REMARKS

It is respectfully requested that the Examiner enter and consider the changes made in the claims which are indicated in the Listing of Claims set forth in Appendix I attached to this paper. Accordingly, Claims 1, 2, 3, 6, 7, 8 and 10 are amended as follows.

In Claims 1, 2, 6 and 7, applicants have (re)introduced the formulae which were inadvertently omitted in the claims presented with the previous amendment. Additionally, applicants have corrected the following typographical errors which were made in the claims presented with the previous amendment:

In Claim 1: --C_2-C_{10}-alkynyl,-- has been added in the definition of R^1 in accordance with original Claim 1, page 22, indicated line 14, and page 1, indicated line 16, of the application as filed;

- *"C_2-C_{10}-alkadienyl"* has been replaced by --C_4-C_{10}-alkadienyl-- in the definition of R^1 in accordance with original Claim 1, page 22, indicated lines 14 and 15, and page 1, indicated lines 16 and 17, of the application as filed;

- *"C_4-C_{10}-haloalkyl"* has been replaced by --C_1-C_{10}-haloalkyl-- in the definition of R^2 in accordance with original Claim 1, page 22, indicated line 20, and page 1, indicated line 22, of the application as filed;

- the representation of the zigzag line as --〰-- has been re-introduced in accordance with original Claim 1, page 22, indicated line 36, and page 1, indicated line 28, of the application as filed; and

- *"R_4"* has been replaced by --R^4-- in accordance with original Claim 1, page 22, indicated line 39, and page 1, indicated line 41, of the application as filed.

In Claim 2: Corresponding to the corrections made in Claim 1,

- *"C_4-C_{10}-haloalkyl"* has been replaced by --C_1-C_{10}-haloalkyl-- in the definition of R^2 in accordance with original Claim 1, page 22, indicated line 20, and page 1, indicated line 22, of the application as filed;

- the representation of the zigzag line as --〰-- has been re-introduced in accordance with original Claim 1, page 22, indi-

cated line 36, and page 1, indicated line 28, of the application as filed; and

- *"R_4"* has been replaced by --R^4-- in accordance with original Claim 1, page 22, indicated line 39, and page 1, indicated line 41, of the application as filed.

In Claim 3: The expression *"according to claim 1 ins which"* has been corrected to --according to claim 1 in which-- in accordance with Claim 3, page 23, indicated line 5, of the application as filed.

In Claim 6: The term *"fluor"* has been corrected to --fluoro-- in accordance with Claim 6, page 23, indicated lines 25 and 26, of the application as filed.

In Claim 8: The expression *"R^1 is at least 3-position"* has been corrected to --R^1 is at the 3-position-- in accordance with Claim 8, page 24, indicated line 2, of the application as filed.

In Claim 10: The expression *"fungi attack"* has been corrected to --fungal attack-- in accordance with Claim 10, page 24, indicated line 11, of the application as filed.

Additionally, applicants have amended the definition of R^1 in Claim 1 to recite a --C_1-C_{10}-fluoroalkyl-- moiety instead of the *"C_1-C_{10}-haloalkyl"* group originally recited. Support for the amended expression is found on page 3, indicated lines 8 and 9, of the application. Moreover, the language of Claim 8 has been revised to better bring out that the mixture is a combination of two compounds of formula I which differ structurally in the location of R^1. No new matter has been added.

The Examiner rejected Claims 1 to 10 under Section 112, ¶2, because the structural formulae had been omitted in applicants' previous reply. The present amendment (re)introduces those formulae, and corrects a number of typographical errors not specifically addressed by the Examiner. In light of the foregoing and the attached it is respectfully requested that the respective rejection of Claims 1 to 10 under Section 112, ¶2, be withdrawn. Favorable action is solicited.

The Examiner rejected Claim 8 under Section 112, ¶2, asserting that the claimed mixture failed to specify more than one constituents. It is respectfully submitted that Claim 8 as previously pre-

sented specifically required *"a first compound of formula I defined in claim 1 wherein R^1 is at least* [sic] *3-position"* and *"a second compound of formula I where R^1 is at the 4-position"*. Accordingly, Claim 8 specified two distinct constituents of the mixture. Applicants have, herewith, further reworded the claim to better bring out that the claimed mixture is a *"mixture of a first and a second compound of formula I"* wherein the first and the second compound differ in the position in which R^1 is bonded to the triazolopyrimidine ring. In light of the foregoing and the attached it is respectfully requested that the respective rejection of Claim 8 under Section 112, ¶2, be withdrawn. Favorable action is solicited.

The Examiner rejected Claims 1 and 3 to 10 under Section 112, ¶1, finding that the application lacked an enabling disclosure for compounds (I) wherein R^1 denotes *"haloalkyl"*. Applicants have replaced the expression *"haloalkyl"* in the definition of R^1 by --fluoroalkyl-- based on the disclosure on page 3, indicated lines 8 and 9, of the application. A fluoro radical in R^1 does not act as a leaving group so that the Examiner's argument that the requisite compounds (I) cannot be obtained by reacting R^1-X with a compound (II) is no longer applicable. In light of the foregoing and the attached it is respectfully requested that the rejection of Claims 1 and 3 to 10 under Section 112, ¶1, be withdrawn. Favorable action is solicited.

The changes made in the claims and herewith presented by applicants merely serve to place the claims in better form and to obviate the rejections raised or maintained by the Examiner in the final action. Accordingly, no further search and/or examination is necessitated by applicants' amendment. Moreover, the application should now be in condition for allowance. It is therefore respectfully requested that the Examiner enter and consider the foregoing and the attached. Favorable action is solicited.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a *one* month extension of time be granted in this case. A check for the *$110.00* fee is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
KEIL & WEINKAUF

/HBKeil

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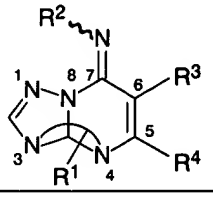
Encl.: THE LISTING OF CLAIMS (Appendix I)
THE AMENDED CLAIMS (Appendix II)

HBK/BAS

APPENDIX I:

THE LISTING OF CLAIMS (version with markings):

1. (*currently amended*) Compounds of formula I



I

in which

R^1 is C_1-C_{10}-alkyl, C_1-C_6-alkoxy-C_1-C_6-alkyl, C_3-C_8-cycloalkyl-C_1-C_6-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, [~~C_2-C_{10}-alkadienyl~~] C_4-C_{10}-alkadienyl, [~~C_1-C_{10}-haloalkyl~~] C_1-C_{10}-fluoroalkyl, trihydrocarbylsilyl, formyl, C_1-C_{10}-alkanoyl or C_1-C_{10}-alkoxycarbonyl group being attached either to the nitrogen in the 3- or 4-position;

R^2 is hydrogen, C_1-C_{10}-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, C_4-C_{10}-alkadienyl, [~~C_4-C_{10}-haloalkyl~~] C_1-C_{10}-haloalkyl, C_3-C_6-cycloalkyl, C_8-C_{14}-bicycloalkyl, phenyl, naphthyl, 5- or 6-membered heteroaryl or heterocyclic groups containing one to four nitrogen atoms or one to three nitrogen atoms and one sulfur or oxygen atom as ring members;

R^3 is phenyl, C_3-C_6-cycloalkyl or 5- or 6-membered heteroaryl containing besides carbon atoms one to four nitrogen atoms or one to three nitrogen atoms and one sulfur or oxygen atom as ring members;

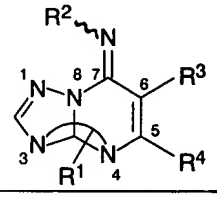
R^4 is halogen, amino, C_1-C_{10}-alkoxy, C_1-C_{10}-haloalkoxy, C_1-C_{10}-alkylamino or di-C_1-C_{10}-alkylamino;

wherein the bent line indicates that the double bond may be located between the 3- and 9-position or the 4- and 9-position; and the zigzag line indicates that the groups connected may have the (E)- or (Z)-configuration;

R^1 to [~~R_4~~] R^4 groups independently from one another may be unsubstituted or substituted by one to three groups R^a;

R^a halogen, nitro, cyano, hydroxy, C_1-C_6-alkyl, C_3-C_6-cycloalkyl, C_3-C_6-cycloalkenyl, C_1-C_6-haloalkyl, C_3-C_6-halocycloalkyl, C_1-C_6-alkoxy, C_1-C_6-haloalkoxy, tri-C_1-C_4-alkylsilyl, phenyl, halo- or dihalophenyl or pyridyl.

2. (*currently amended*) Compounds of formula I



I

in which

R^1 is a straight chained or branched C_1-C_6-alkyl, C_2-C_6-alkenyl or formyl,

R^2 is hydrogen, C_1-C_{10}-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, C_4-C_{10}-alkadienyl, [~~C_4-C_{10}-haloalkyl~~] C_1-C_{10}-haloalkyl, C_3-C_6-cycloalkyl, C_8-C_{14}-bicycloalkyl, phenyl, naphthyl, 5- or 6-membered heteroaryl or heterocyclic groups containing one to four nitrogen atoms or one to three nitrogen atoms and one sulfur or oxygen atom as ring members;

R^3 is phenyl, C_3-C_6-cycloalkyl or 5- or 6-membered heteroaryl containing besides carbon atoms one to four nitrogen atoms or one to three nitrogen atoms and one sulfur or oxygen atom as ring members;

R^4 is halogen, amino, C_1-C_{10}-alkoxy, C_1-C_{10}-haloalkoxy, C_1-C_{10}-alkylamino or di-C_1-C_{10}-alkylamino;

wherein the bent line indicates that the double bond may be located between the 3- and 9-position or the 4- and 9-position; and the zigzag line indicates that the groups connected may have the (E)- or (Z)-configuration;

R^1 to [~~R_4~~] R^4 groups independently from one another may be unsubstituted or substituted by one to three groups R^a;

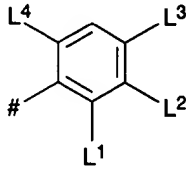
R^a halogen, nitro, cyano, hydroxy, C_1-C_6-alkyl, C_3-C_6-cycloalkyl, C_3-C_6-cycloalkenyl, C_1-C_6-haloalkyl, C_3-C_6-halocycloalkyl, C_1-C_6-alkoxy, C_1-C_6-haloalkoxy, tri-C_1-C_4-alkylsilyl, phenyl, halo- or dihalophenyl or pyridyl.

3. (*currently amended*) Compounds of formula I according to claim 1 [~~ins~~] in which R^2 represents a straight chained or branched C_1-C_6-alkyl, C_1-C_6-haloalkyl, C_3-C_8-cycloalkyl, C_5-C_8-bicycloalkyl or C_2-C_6-alkenyl.

4. (*original*) Compounds of formula I according to claim 1 in which R^3 represents optionally substituted phenyl.

5. (*original*) Compounds of formula I according to claim 1 in which R^4 represents halogen.

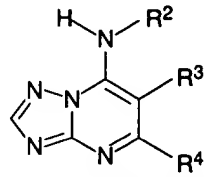
6. (*currently amended*) Compounds of formula I according to claim 1 in which R^3 is an optionally substituted phenyl group of formula



wherein # denotes the bond to the triazolopyrimidine ring and

L^1 is [~~fluor~~] fluoro, L^2 is hydrogen or [~~fluor~~] fluoro, L^3 is hydrogen or [~~fluor~~] fluoro or methoxy and L^4 is hydrogen, [~~fluor~~] fluoro or chloro.

7. (*currently amended*) A process for the preparation of compounds of formula I as defined in claim 1 which comprises treating compounds of formula II



II

in which R^2, R^3 and R^4 are as defined in claim 1;

with an alkylation agent of formula III

$$R^1\text{-}X \qquad \text{III}$$

in which R^1 is as defined in claim 1, and X represents a leaving group,

in the presence of a base or a buffer system.

8. (*currently amended*) A fungicidal mixture [~~having~~] of a first and a second compound of formula I defined in claim 1 wherein in the first compound R^1 is at [~~least~~] the 3-position, and [~~a~~] in the second compound [~~of formula I where~~] R^1 is at the 4-position.

9. (*original*) A fungicidal composition which comprises a carrier and a fungicidal effective amount of at least one compound of formula I as defined in claim 1.

10. (*currently amended*) A method for controlling harmful fungi, which comprises treating fungi or the materials, plants, the soil or the seed to be protected against [~~fungi~~] fungal attack with a fungicidal composition as claimed in claim 9.